

Jul 30, 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

JEREMIAH PARK,

Plaintiff,

v.

JO ELLA PHILLIPS, FRANK SMITH,
DARREN CHLIPALLA, and STEVE
SINCLAIR,

Defendants.

No. 4:18-CV-05114-EFS

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Before the Court are Plaintiff's Motion and Memorandum of Law in Support of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, ECF No. 6, and Plaintiff's Declaration in Support of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction, ECF No. 7. Plaintiff, a prisoner at the Washington State Penitentiary, is proceeding pro se and in forma pauperis; Defendants have not been served. The Motion was noted for hearing on August 6, 2018, and considered without oral argument on the date signed below.

Plaintiff seeks injunctive relief to "ensure his safety and that he can safely receive medical care." ECF No. 6 at 1. Specifically, he requests his re-assignment to a different unit and that Defendant

1 Phillips "have no contact with plaintiff" and "have no involvement in
2 plaintiff's medical care." *Id.* at 3-4.

3 By separate Order, the Court has advised Plaintiff of the
4 deficiencies of his complaint and directed to him to amend or
5 voluntarily dismiss. Plaintiff had failed to present facts from which
6 the Court could plausibly infer that identified Defendants were
7 deliberately indifferent to his serious medical needs under the Eighth
8 Amendment.

9 Plaintiff offers to provide additional exhibits. Exhibits should
10 not be submitted with a complaint. Instead, the relevant information
11 contained in an exhibit should be paraphrased in the complaint.
12 Exhibits should be kept for use to support or oppose a motion for summary
13 judgment or a motion to dismiss, or for use at trial.

14 In any event, the Court has no jurisdiction to address Plaintiff's
15 motion until he has filed a legally sufficient complaint. *See generally*
16 Fed. R. Civ. P. 3. Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's
17 Motion, ECF No. 6, is **DENIED** with leave to re-file when he has filed a
18 legally sufficient complaint.

19 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
20 Order and provide a copy to Plaintiff.

21 **DATED** this 30th day of July 2018.

22 s/Edward F. Shea

23 EDWARD F. SHEA
24 Senior United States District Judge
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